

§4.26

27 CFR Ch. I (4–1–16 Edition)

percentage of the wine derived from fruit or other agricultural products grown in each state, province, territory, or political subdivision equivalent to a state is shown on the label with a tolerance of plus or minus 2 percent; and

(ii) The wine conforms to the requirements of the foreign laws and regulations governing the composition, method of production, and designation of wines available for consumption within the country of origin.

(e) *Viticultural area*—(1) *Definition*—(i) *American wine*. A delimited grape-growing region having distinguishing features as described in part 9 of this chapter and a name and a delineated boundary as established in part 9 of this chapter.

(ii) *Imported wine*. A delimited place or region (other than an appellation defined in paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii)) the boundaries of which have been recognized and defined by the country of origin for use on labels of wine available for consumption within the country of origin.

(2) *Establishment of American viticultural areas*. A petition for the establishment of an American viticultural area may be made to the Administrator by any interested party, pursuant to part 9 and §70.701(c) of this chapter. The petition must be made in written form and must contain the information specified in §9.12 of this chapter.

(3) *Requirements for use*. A wine may be labeled with a viticultural area appellation if:

(i) The appellation has been approved under part 9 of this title or by the appropriate foreign government;

(ii) Not less than 85 percent of the wine is derived from grapes grown within the boundaries of the viticultural area;

(iii) In the case of foreign wine, it conforms to the requirements of the foreign laws and regulations governing the composition, method of production, and designation of wines available for consumption within the country of origin; and

(iv) In the case of American wine, it has been fully finished within the State, or one of the States, within which the labeled viticultural area is

located (except for cellar treatment pursuant to §4.22(c), and blending which does not result in an alteration of class and type under §4.22(b)).

(4) *Overlap viticultural area appellations*. An appellation of origin comprised of more than one viticultural area may be used in the case of overlapping viticultural areas if not less than 85 percent of the volume of the wine is derived from grapes grown in the overlapping area.

[T.D. ATF-53, 43 FR 37675, Aug. 23, 1978]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §4.25, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§4.26 Estate bottled.

(a) *Conditions for use*. The term *Estate bottled* may be used by a bottling winery on a wine label only if the wine is labeled with a viticultural area appellation of origin and the bottling winery:

(1) Is located in the labeled viticultural area; (2) grew all of the grapes used to make the wine on land owned or controlled by the winery within the boundaries of the labeled viticultural area; (3) crushed the grapes, fermented the resulting must, and finished, aged, and bottled the wine in a continuous process (the wine at no time having left the premises of the bottling winery).

(b) *Special rule for cooperatives*. Grapes grown by members of a cooperative bottling winery are considered grown by the bottling winery.

(c) *Definition of “Controlled”*. For purposes of this section, *Controlled by* refers to property on which the bottling winery has the legal right to perform, and does perform, all of the acts common to viticulture under the terms of a lease or similar agreement of at least 3 years duration.

(d) *Use of other terms*. No term other than *Estate bottled* may be used on a label to indicate combined growing and bottling conditions.

[T.D. ATF-53, 43 FR 37676, Aug. 23, 1978, as amended by T.D. ATF-201, 50 FR 12533, Mar. 29, 1985]